Vol. II. Numb. 35.

THE OBSERVATOR.

A Scandalous and Lying Letter sent to the Observator. *His Vindication. Further Remarks on the* Non-jurors.

From Wednesday August the 4th, to Saturday August the 7th, 1703.

Country-m. MAster *Observator*, here's a Letter sent to your Printer, Directed for your Worship; 'tis a very abusive Letter, and if you be such a sort of Person as this Fellow represents you to be, I shall be asham'd of your Company. I can't tell who it comes from, for the Man makes a meer Medley of Nonsence; by Principle he's a *Non-juror*, but by his *Thee's* and *Thou's*, he can be no Courtier or a Man of Manners. I'll read you the Letter.

Master *Observator*, 30 *July* 1703.

I Have of late put my self under the Discipline of Reading and Observing thy Scurrilous Papers, and particularly that of Wednesday *last, wherein thou hast many Bitter and Malicious Invectives against the* Non-jurant *Clergy, Branding them with the Odious Name of* Papists. *Now I would Advise thee Friendly to let them alone, above all other People, as being out of thy Sphere, and above thy Capacity. Why can'st not thou go on with thy Mounted Impudence to Direct the Lord High Admiral and his Council to Appoint and Controul the Navy, and to give better Instructions than these Sea-Men can do?*

But as to these Honest Gentlemen, the Non-jurors *of the Black Robe, why should'st thou spit thy Venom at them, since our Wise Government have not thought fit to Molest 'em? Why should they lay under the Lash of thy Poison'd Tongue? Why should they be Stigmatiz'd, and (as far as in thee lays) render'd Odious to the World, when they are most of 'em well known to be Men of great Parts and Learning, Men of an Exalted Vertue and Integrity; who since their being Silenc'd in the Pulpit, have done God and the Church* (not of Rome) *very Signal Services by the Press; and tho' for Reasons best known to themselves, their tender Consciences will not suffer them to take the Oaths, yet they, holding fast their Integrity, live quietly and peaceably in the World? Now with what an Audacious Front, and Matchless Impudence, can'st thou Asperse these Men, Who art thy self, (or else most Damnably Bely'd) one of the most Profligate and Execrable Wretches Breathing; when thou, Varlet, as thou full well know'st, was some Years since, as a Punishment, far Inferiour to thy Crime, Whipt thro' a Country Town, you know where, when, and for what? If you dare, tell the World of it in the next* Observator. *'Tis best for you to break off the Thread of your Discourse about the* Non-jurors, *or you may chance to have your Head broke, when you are not Aware on't. You'll be worse Gall'd, than you were last Sessions with* Robin Hog's *Bristles. And so I Subscribe my self your well-Adviser,*

Innominatus.

Now, Pray, Mr. *Observator*, clear your self from these Aspersions in the Face of the whole Company.

Obs. Honest *Country-man*, I am Sorry you should put me upon this piece of Service, it looks as if you gave some Credit to what this Man says. You and I have kept Company together, ever since the Happy Accession of our Queen to the Crown: Did you ever hear me Swear an Oath; or take the Lord's Name in Vain? Did you ever see me Drunk, or hear that I kept a Miss? Did you ever hear me utter the least Reflection on Her Majesty, or the Church? Nay you know several of my Friends, that have known me from a Child; Did you ever hear them Accuse me of the Crimes mentioned in this Letter? And is it a reasonable Task you lay upon me to Vindicate my self from Aspersions, that all Men know are down-right Lies and Falshoods? Or that I ought to take Notice of the Barking of every little *Jacobite* Cur?

His Honest Gentlemen of the Long Robe, who are *Non-jurors*, are much Beholden to him for his good Character; but Wise Men will Examine his Character, before they consent to the Truth of it.

It is a strange thing how this Corrupt part of our Clergy came to be so squeamish as not to Swear Fealty to a *Protestant Queen*, and to Keck at an Oath, who at times within Memory, could distinguish them so Nicely, that they could make them stand (as the *Schoolmen* speak of *Angels*) on the Point of a Needle. The *Saxon Chronology* gives us an Account, That our *Clergy* at *Cambridge* were once possessed with such unlimited *Loyalty*, that they Swore to *Edward* the *Senior*, to *Will what he Willed*, &c. And as if it had been Fatal to our Country, we have had always a Corrupt part of the *Clergy*, who have Preach'd up *Passive Obedience*, and *Non-Resistance*, entire *Submission* to the *Will* of the *Prince*, and *Loyalty* without *Reserve*, and that even in Times when we had a *Popish Prince* on the Throne, and *Mass-Houses* set up in this Kingdom; and these Men were the present *Non-jurors*, who now refuse to take the Oaths to a *Protestant*, *Rightful*, and *Lawful* Sovereign Princess.

Our Laws have formerly Dispensed with a Bishop's or Church-man's *Homage*; they were not Bound to say, *My Lord*, or *Liege*, *I am your Man*; the Reason whereof was, That a *Church-man* is, or ought to be, *the Man of God:* But the Bishops and Clergy always Swore *Fealty*, which hitherto has been an Essential part of Government. And such as refused to Swear *Fealty*, were always esteemed to be Factious, Dishonest, and Designing *Persons*, endeavouring by *Non-Recusancy* to Subvert the Government. The good Laws of King *Hen.* I. intimate as much, and the 55th Chapter Limiteth all *Homage* and *Fealty*,

Fealty, *per Honeſtum, & Utile*, by that which is Honeſt and Profitable; and, as *Honeſtum* Reſpecteth God and the Common Faith, (*Deum & Fidem Catholicam*) ſo muſt *Utile* reſpect the Kingdom and common Good. After the ſame manner the Laws of St. *Edmund ad honorem Coronæ & ad Utilitatem Regni*, for the Honour of the Crown, and the Profit of the Kingdom. So the Parliament at *Merton*, was called to treat *de Communi Utilitate Regni*, of the common Good of the Kingdom: And the great *Charters* have granted, *a tout la commune d' Angleterre* (as *Articuli Super Chartas*) and the firſt of *Weſtminſter*, *pur le Commune Profit de St. Eſgliſe & de Realm. For the Common Profit and Advantage of the Church and Realm.*

And if we Examine into the Old Oaths in the *Saxon* and *Norman* Times, we ſhall find them always to Reſpect the common good of the Realm, and the Kings Prerogative. By *Bracton* we are led to the Laws of the *Confeſſor* for our great *Allegiance*, and by thoſe Laws the Oath is to *Defend the King* with the *Kingdom*, and that by ſuch an Oath we ſhould be, *Sicut Conjurati Fratres, ad Defendendum Regnum contra Alienigenas, & contra Inimicos, una cum Domino Rege. As Brethren, Sworn together in Defence of the Kingdom againſt Foreigners and Home Enemies, together with the Lord the King*, &c. The firſt *Norman* Laws (miſcall'd the *Conquerors*) have the ſame meaning in their Oath of Allegiance. *Sint Fratres conjurati ad Regnum N. contra Inimicos defendendum, & Pacem, & Dignitatem N. & Coronam N. & ad Judicium Rectum & Juſtitiam conſtanter modis omnibus pro poſſe ſuo, ſine Dolo, & ſine Dilatione Faciendam.* i. e. for the Publick Peace and Common Juſtice, to the Kingdoms Good, as much as to the Crown. And before this Time the Laws of *Canutus* are to the ſame *Tenour* and *Purpoſe.*

I have given you this ſhort Account of the Prime Inſtitution and Meaning of *Oaths* and *Fealty*, on purpoſe to let you ſee how much the *Non-jurors* are Enemies to the *Queen* and *Realm*. You find the *Oaths* are appointed as *Bulwarks* to the Throne, and *Fences* to the Liberties of the People; and that all the People of *England* ſhould be *Fratres Conjurati*, Brethren Sworn to Maintain Both. It is no more than an *Aſſociation* entred into both by King and People, under the Sacred Tye of an *Oath*, to Maintain One another's juſt *Rights* and *Priviledges:* And do you Judge whether the Perſons refuſing ſuch *Oaths* and *Fealty*, are Brethren of the Family of *England*; nay, rather whether they are not the *Mortal* Enemies of Her Majeſty and Realm. For thoſe who deny *Fealty* to Her Majeſty, have *Allegiance* in Reſerve for another Perſon; and thoſe, who will not enter into *Righteous Obligations* for the Defence and Common Safety of the Kingdom, can be eſteem'd no other than Enemies to our *Conſtitution.*

By refuſal of the *Oaths*, they put the higheſt Affront on Her Majeſty, who is a *Legal Queen*, and has before taken the *Oaths* to every One of the People of *England*, in which Number the *Non-jurors* are included. By this means they make a *Schiſm* both in *Church* and *State*; Her Majeſty being in all Caſes *Eccleſiaſtical* and *Civil*, the Supreme *Head* and *Governour.* And if, as this Man ſays, *They Live Peaceable under the Government*, 'tis rather to be imputed to their want of *Courage* or *Strength*, than a *Peaceable Diſpoſition* and *Temper* of Mind. The *Lyon Skulks* bers on the Road, and Conceals his *Looks*, and *Sharpn'd Claws*, till ſuch time as Prey is within his Reach. If ever a *French* my ſhould Land upon Us, Headed by their *tle Maſter* at St. *Germains*, we ſhould ſoon their *Peaceable Diſpoſition*, and ſhould then cover the true Reaſons, why they refuſed take *Oaths* to This, and the Late Governm

What ſhall we ſay of theſe Men? Shall call 'em *Proteſtants* and *Engliſhmen*? Muſt *Reaſon* ſo much truckle to our *Charity*? If allow 'em to be either, we are Guilty of a Natur'd Error; which, however, is a Righ Hand Slip. But to Speak as an *Engliſhman*, and *Friend* to Her Majeſty, do they deſerve the Pro tection of a Government, to which they w not *Swear?* And ought they to be called Brethren, who will not be of our Number the Support of the Queen and Realm?

To come nearer the point with the *Non juror* They that are not *Conjurati Fratres* with us Defence of our Queen and Realm, they are againſt Us; for they themſelves have former told Us, *There is no* Medium *betwixt* Treaſo *and* Loyalty; and the Scripture ſays, *He that not for Me, is againſt Me.* And this want *Fealty*, is the more Deteſtable; becauſe *Treaſon are againſt the Kingdom, as againſt the King*, as *Hengham Parva*, chap 3. *Ubi quis movet Guerram contra Regem, vel Regnum.* And his Commentator with *Plowden*, and others, do refer to ſeveral Caſes in *Edward* the Third, and *Henry* the Fourth: So in *Hengham Magna*, chap. 2. Treaſon is Branched, *de Nece, vel Seditione Perſone Domini Regis, vel Regni, vel Exercitus*; and is the ſame in *Glanvil*, as in *Bracton*, *lib.* 3. *chap.* 3. *Corona & Flota*, *lib.* 1. *chap.* 21. *vel ad Seductionem ejus vel Exercitus ſui.* Now as in Treaties betwixt *Sovereign Princes*, he that firſt breaks the Treaty, declares himſelf an Open Enemy to the Others; ſo he that breaks the Original Contract betwixt Him and the King, and the Realm, Profeſſes Himſelf an Enemy againſt Both, and in effect ſets up a Flag of *Defiance*, or rather a Standard to let the *Armies* and *Navies* of our Sovereign Lady the Queen, know, there are other Pretenders to the *Royal Dignity.*

I think I have ſaid enough to Demonſtrate the *Honeſty*, *Vertue* and *Learning* of the *Non-jurors.* As to the Scandalous Reflections in this Letter relating to my ſelf; all that know Me, are Convinc'd of their Falſhood; and if he Pleaſes to give the World an Account, *When*, *Where*, and for *What* I was *Whip'd* thro' a Market-Town, he will inform Mankind of more than I or any Body elſe knows; but He and his Party are the *Legitimate Iſſue* of the *Father* of *Lies*, and are the *Source* of *Scandals* and *Falſhoods.*

His Accuſing me of Directing the Lord High Admiral, is as falſe as the reſt; I have indeed laid ſome *Complaints* before the Council to His Royal Highneſs, who were ſo far from diſcouraging me in that Affair, that the Grievances I complain'd of have been Redreſſed, and that Honourable Board have given me their Thanks for my Zeal for the Sailors. 'Tis every *Engliſhman's* Duty to repreſent Publick Grievances to proper Perſons; and this I ſhall continue to do, let the *Jacobites* and *Non-jurors* ſay what they will to the contrary.

London, Printed by *J. How*, at the *Seven Stars*, in *Talbot-Court*, in *Grace-Church-Street*; and Sold by *B. Bragg*, at the *Blew-Ball* in *Avemary-Lane*, 1703.